

## Exhibit 10

**Tschirgi, John S.**

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**From:** Nelson, Laura E. <LENelson@rkmc.com>  
**Sent:** Friday, October 26, 2012 4:04 PM  
**To:** Cole, Eva W.  
**Cc:** Donovan, Molly M.; Chiu, Michelle Park <mchiu@morganlewis.com> (mchiu@morganlewis.com); Naranjo, Minna Lo (mnaranjo@morganlewis.com); Martinez, David; Baumgart, Jamie L.; Stewart, Jennifer M.; Mustes, George W.  
**Subject:** RE: In re CRT Antitrust Litigation, MDL 1917 (N.D. Cal.)  
**Attachments:** Best Buy Proposed Search Terms.doc; CRT custodians.XLSX

Eva,

We are not available on the 19th or the 20th. Does the 28th or the 29th work better for you? The deposition will be at our Minneapolis office: 800 LaSalle Avenue. I understand that you are only seeking a deposition on topics related to pass on at this time. We are designating a witness to respond, subject to our right to respond to your formal notice with objections.

Regarding the search terms, I have reviewed your proposal and have accepted many of your revised terms. Attached is what I hope is our final list. In order to get documents produced in advance of the deposition we need to bring this process to a close.

Regarding custodians, as I told you, two weeks was a rough estimate—it certainly wasn't a guarantee. We completed our custodial interviews earlier this week, and have compiled the attached list of current and former employees that may have documents that are responsive to your requests. We are willing to search the email files, personal files, and relevant shared files of each of these custodians to the extent they exist.

Finally regarding timing, without running the search we do not know the volume of documents that we are discussing. Given that, we certainly cannot make a blind commitment regarding production. That said, if we can get the search started today, we will commit to begin producing documents before the deposition, with a priority on documents that hit on the terms you have indicated you believe are relevant to pass-on.

Best,  
Laura

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**From:** Cole, Eva W. [mailto:EWCole@winston.com]  
**Sent:** Wednesday, October 24, 2012 4:04 PM  
**To:** Nelson, Laura E.  
**Cc:** Donovan, Molly M.; Chiu, Michelle Park <mchiu@morganlewis.com> (mchiu@morganlewis.com); Naranjo, Minna Lo (mnaranjo@morganlewis.com); Martinez, David; Baumgart, Jamie L.; Stewart, Jennifer M.; Mustes, George W.  
**Subject:** RE: In re CRT Antitrust Litigation, MDL 1917 (N.D. Cal.)

Dear Laura,

First, with respect to the 30(b)(6) deposition, the dates you have proposed for the deposition are only approximately 10 days in advance of our deadline to file an opposition to plaintiffs' motion for class certification. Could your witness make himself or herself available November 19 or November 20 instead? In the meantime, we are holding November 28 and 29, but hope that your witness will be available sooner. In addition, could you please provide the name of the witness you will be designating? Finally, please let us know the location of the deposition. As mentioned in one of our previous calls, we note that we only expect

this witness to be able to testify to the 30(b)(6) pass-on subjects, but we reserve the right to ask for another witness to speak to the other 30(b)(6) subjects which we agreed to remove from this notice in the interest of efficiency.

With respect to the document production, please find attached our proposed revised search terms. We are willing to accept many of your revisions to our search term proposal. First, we will agree to strike several of the terms that you have suggested we strike (this is reflected in the attached; see items in the "strikethrough" font). Second, we have added each term that you proposed that was not on our original list. Third, we will agree that Best Buy does not have to search for documents whose only "hit" is a term on List A. Fourth, we will agree that Best Buy does not have to search for documents whose only "hit" is a term on List D. With these changes, the result is as follows:

1. List A terms (the relevant entities) are responsive only if they appear on a document that also contains a term from List B (the relevant products) or list D (competition and collusion).
2. List B terms (the relevant products) are responsive only if they appear on a document that also contains a term from list A (the relevant entities), C (pricing/sales) or D (competition and collusion).
3. List C terms (pricing/sales) are responsive only if they appear on a document that also contains a term from list B (the relevant products).
4. List D terms (competition and collusion) are responsive only if they appear on a document that also contains a term from list A (the relevant entities) or list B (the relevant products).

In terms of your document collection, the primary hold up is with respect to the custodians and not the search terms. Best Buy cannot unilaterally select custodians for this purpose. Thus, we are concerned by the fact that we have not received any list of proposed custodians to date. As you recall, you told us that it would take approximately 2 weeks to complete your custodian interviews. That was three and a half weeks ago. When do you anticipate providing that information?

We also think it is critical to put into place a schedule for the production of the pass-on documents in the first instance (we can deal with the other documents later). While we appreciate that you "hope" to produce documents in advance of the deposition, that is not a sufficient response. Again, we do not want to have to go to Judge Legge and I am sure he does not want to be bothered with setting a production schedule, but if Best Buy continues to fail to commit to any dates for producing anything, we will be forced to seek his intervention. Thus, please confirm that Best Buy will commit to completing the production of relevant pass-on documents two weeks in advance of the deposition date with the production to be made on a rolling basis.

Finally, thank you for the further clarification regarding your sales and purchasing data. We look forward to receiving the brick and mortar operation data today. As for the dotcom data, please let us know your proposed timeline on this. It will be critical to having this data in advance of the 30(b)(6) deposition. To the extent that we do not receive sufficient documents or data in advance of the deposition, please note that we will be prepared to call your witness again once we do have the information we need. This would obviously not be in anyone's interest and I hope we can avoid that.

Thanks.

Best,

Eva

**Eva Cole**

**Partner**

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---

**From:** Nelson, Laura E. [<mailto:LENelson@rkmc.com>]

**Sent:** Tuesday, October 23, 2012 10:04 PM

**To:** Cole, Eva W.

**Cc:** Donovan, Molly M.; Chiu, Michelle Park <[mchiu@morganlewis.com](mailto:mchiu@morganlewis.com)> ([mchiu@morganlewis.com](mailto:mchiu@morganlewis.com)); Naranjo, Minna Lo ([mnaranjo@morganlewis.com](mailto:mnaranjo@morganlewis.com)); Martinez, David; Baumgart, Jamie L.; Stewart, Jennifer M.

**Subject:** RE: In re CRT Antitrust Litigation, MDL 1917 (N.D. Cal.)

Eva,

Best Buy will make a witness available for a 30(b)(6) deposition. We are available in Minneapolis on either November 28th or 29th. Please let me know as soon as possible which date you prefer.

You misunderstood me regarding the purchase order and point of sale data, as I did not commit to producing that last week. We will, however, be producing the purchase order and point of sale data for Best Buy's brick and mortar operation tomorrow. As I have previously indicated to you, we identified a discrepancy in our pull of the dotcom data and are continuing to work to resolve that issue. We will be producing that data separately as soon as the issue is resolved.

Finally, regarding documents, it is our hope to be able to produce additional documents in advance of the deposition, however, as I have repeatedly indicated we will need to reach agreement on search terms in order to move forward on that. As you know, we were waiting for over two weeks to receive your edits to the search term list. As I indicated in my email on Thursday, we made every effort to review your extensive edits as quickly as possible. Attached is a revised search term proposal. Please let me know as soon as possible if we are in agreement so that we can begin collection.

Best,  
Laura

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**From:** Cole, Eva W. [<mailto:EWCole@winston.com>]

**Sent:** Tuesday, October 23, 2012 9:48 AM

**To:** Nelson, Laura E.

**Cc:** Donovan, Molly M.; Chiu, Michelle Park <[mchiu@morganlewis.com](mailto:mchiu@morganlewis.com)> ([mchiu@morganlewis.com](mailto:mchiu@morganlewis.com)); Naranjo, Minna Lo ([mnaranjo@morganlewis.com](mailto:mnaranjo@morganlewis.com)); Martinez, David; Baumgart, Jamie L.; Stewart, Jennifer M.

**Subject:** RE: In re CRT Antitrust Litigation, MDL 1917 (N.D. Cal.)

Laura,

I was unable to reach you by phone this morning. We have still not heard from you regarding whether Best Buy is willing to produce documents related to pass-on and make a witness available for a 30(b)(6) deposition sufficiently in advance of defendants' deadline to respond to plaintiffs' motion for class certification in the

indirect purchaser action. Moreover, we have yet to hear any further information concerning the sales and purchasing data, which we understood from you was ready to be produced last week.

Unless we hear from you by the end of the day that Best Buy is willing to produce pass-on documents and a 30(b)(6) witness on the same subject before Thanksgiving and along the lines of the scheduled proposed in my email of last week, we will need to seek the Court's intervention. While we would prefer to resolve this amicably, we are reaching a critical point in time and Best Buy's refusal to commit to any sort of timeline for this discovery (or any discovery for that matter) leaves us with little choice.

Thank you.

Best,  
Eva

**Eva Cole**

**Partner**

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---

**From:** Nelson, Laura E. [<mailto:LENelson@rkmc.com>]

**Sent:** Thursday, October 18, 2012 3:26 PM

**To:** Cole, Eva W.

**Cc:** Donovan, Molly M.; Chiu, Michelle Park <[mchiu@morganlewis.com](mailto:mchiu@morganlewis.com)> ([mchiu@morganlewis.com](mailto:mchiu@morganlewis.com)); Naranjo, Minna Lo ([mnaranjo@morganlewis.com](mailto:mnaranjo@morganlewis.com)); Martinez, David; Baumgart, Jamie L.; Stewart, Jennifer M.

**Subject:** RE: In re CRT Antitrust Litigation, MDL 1917 (N.D. Cal.)

Eva,

I am reviewing your proposed list and will respond in short order. That said, I note that it took you 15 days to respond to my initial list of search terms, so as I'm sure you can appreciate it may take more than 2 days for me to give these the meaningful review they deserve.

Best,  
Laura

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**From:** Cole, Eva W. [<mailto:EWCole@winston.com>]

**Sent:** Wednesday, October 17, 2012 8:19 PM

**To:** Nelson, Laura E.

**Cc:** Donovan, Molly M.; Chiu, Michelle Park <[mchiu@morganlewis.com](mailto:mchiu@morganlewis.com)> ([mchiu@morganlewis.com](mailto:mchiu@morganlewis.com)); Naranjo, Minna Lo ([mnaranjo@morganlewis.com](mailto:mnaranjo@morganlewis.com)); Martinez, David; Baumgart, Jamie L.; Stewart, Jennifer M.

**Subject:** RE: In re CRT Antitrust Litigation, MDL 1917 (N.D. Cal.)

Laura,

Thanks for the call today. As discussed, attached please find our proposed search terms, intended to identify documents responsive to our complete document requests. The lists should be considered as follows:

1. Any document hit upon with a search term from EITHER List A or List D is responsive and should be produced.
2. With respect to Lists B and C, we would expect that a document containing any term from List B AND any term from List C is responsive.

We have identified the terms most relevant to the issue of pass-on with yellow highlighting and they are contained exclusively in Lists B and C. Pursuant to our discussion, we expect to receive any documents hit upon with a term highlighted in yellow in List B AND a term highlighted in yellow in List C as soon as possible and in advance of the 30(b)(6) deposition of the witness designated to testify on the pass-on issues.

As explained on the call today, the pass-on information is relevant to our opposition to the indirect purchaser plaintiffs' class certification motion, which is due on December 10. As you may know, the indirect purchaser plaintiffs' expert specifically relied upon certain of Best Buy's data, which makes the discovery concerning the data and the pass-on issues that much more relevant. Even if Best Buy had not filed a complaint in this case, defendants would be entitled to this discovery.

Thus, we would appreciate your confirmation of the following proposed schedule:

1. Production of documents relating to the pass-on issue by the end of the month, including the sales and purchasing data.
2. 30(b)(6) deposition sometime during the week of November 12.

If you are unable to confirm this schedule by the end of the week, we may be forced to seek the intervention of Judge Legge to ensure that we obtain the discovery we are entitled to under the current class certification schedule.

Separately, could you please let us know whether the written notifications of price increases that are referenced in the vendor agreements you produced are kept in a central file or are otherwise readily identifiable, and if so, we would ask that such documents be produced right away.

Thank you.

Best regards,

Eva

**Eva Cole**

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**From:** Baumgart, Jamie L. [<mailto:JLBaumgart@rkmc.com>] **On Behalf Of** Nelson, Laura E.

**Sent:** Friday, October 12, 2012 5:16 PM

**To:** Stewart, Jennifer M.; Cole, Eva W.

**Cc:** Donovan, Molly M.; Chiu, Michelle Park <[mchiu@morganlewis.com](mailto:mchiu@morganlewis.com)> ([mchiu@morganlewis.com](mailto:mchiu@morganlewis.com)); Naranjo, Minna Lo ([mnaranjo@morganlewis.com](mailto:mnaranjo@morganlewis.com)); Nelson, Laura E.; Martinez, David; Baumgart, Jamie L.

**Subject:** RE: In re CRT Antitrust Litigation, MDL 1917 (N.D. Cal.)

Counsel,

Please see the attached correspondence.

Best,

Laura

---

**From:** Stewart, Jennifer M. [<mailto:JStewart@winston.com>]

**Sent:** Thursday, October 04, 2012 7:06 PM

**To:** Nelson, Laura E.

**Cc:** Cole, Eva W.; Donovan, Molly M.; Chiu, Michelle Park <[mchiu@morganlewis.com](mailto:mchiu@morganlewis.com)> ([mchiu@morganlewis.com](mailto:mchiu@morganlewis.com)); Naranjo, Minna Lo ([mnaranjo@morganlewis.com](mailto:mnaranjo@morganlewis.com))

**Subject:** In re CRT Antitrust Litigation, MDL 1917 (N.D. Cal.)

Laura,

Please see the attached correspondence.

Best,

Jennifer

**Jennifer M. Stewart**

Associate

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Thank you in advance for your cooperation.

Robins, Kaplan, Miller & Ciresi L.L.P.

<http://www.rkmc.com>

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## EXHIBIT 11

[Highly Confidential – Filed Under Seal]

## Exhibit 12

## Arguello, Sofia

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**From:** Stewart, Jennifer M.  
**Sent:** Tuesday, March 11, 2014 8:50 PM  
**To:** lenelson@rkmc.com  
**Cc:** Cole, Eva W.; Donovan, Molly M.  
**Subject:** CRT - Best Buy 30(b)(6) Deposition  
**Attachments:** NY-#1599985-v2-CRT\_-\_Best\_Buy\_2nd\_30(b)(6)\_notice.DOC

Dear Laura,

Attached please find our proposed notice for a second 30(b)(6) deposition of the Best Buy plaintiffs. We would like to get this scheduled for toward the end of April, but, as per our recent phone call, please let us know when you are available to discuss timing once you have considered the appropriate deponent(s).

Thank you and best regards,

Jennifer

### Jennifer M. Stewart

#### Associate

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**WINSTON  
& STRAWN**

U.S. NEWS AND WORLD REPORT'S SPORTS LAW "LAW FIRM OF THE YEAR" 2012-2013



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*Attorneys for Defendants Panasonic Corporation of North America, MT Picture Display Co., Ltd.,  
and Panasonic Corporation (f/k/a Matsushita Electric Industrial Co., Ltd)*

**IN THE UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

IN RE: CATHODE RAY TUBE (CRT)  
ANTITRUST LITIGATION

) Master File No. 3:07-cv-05944 SC  
)  
) MDL NO. 1917  
)  
) **NOTICE OF DEPOSITION OF**  
) **BEST BUY**

\_\_\_\_\_  
This Document Relates To: Judge: Hon. Samuel Conti

ALL ACTIONS

\_\_\_\_\_  
\_\_\_\_\_

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD IN THIS ACTION:**

**YOU ARE HEREBY NOTIFIED** that, pursuant to Federal Rule of Civil Procedure 30(b)(6), Defendants Panasonic Corporation of North America, MT Picture Display Co., Ltd., and Panasonic Corporation (f/k/a Matsushita Electric Industrial Co., Ltd), by and through their counsel and in conjunction with all defendants, will take the deposition of a designated representative of Best Buy Co., Inc., Best Buy Purchasing LLC, Best Buy Enterprise Services, Inc., Best Buy Stores, L.P., Bestbuy.com, LLC, and Magnolia HI-FI, Inc. (collectively, "Best Buy"), commencing on \_\_\_\_\_, 2014 at 9:30 AM at the offices of Winston & Strawn LLP, 200 Park Avenue, New York, NY 10166. The topics of the deposition are listed in Exhibit A.

**YOU ARE FURTHER NOTIFIED** that the deposition shall be recorded stenographically by a certified shorthand reporter who is duly authorized to take and transcribe said deposition, and a real-time transcription service such as LiveNote may also be available for the use of counsel. The deposition may also be recorded by videotape, and the defendants reserve the right to use the videotape of the deposition at trial.

Dated: March ##, 2014

WINSTON & STRAWN LLP

By: /s/ Eva W. Cole

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 A. PAUL VICTOR (*pro hac vice*)  
 ALDO A. BADINI (257086)  
 EVA W. COLE (*pro hac vice*)  
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*Attorneys for Defendants Panasonic Corporation,  
Panasonic Corporation of North America, and MT  
Picture Display Co., Ltd.*

**EXHIBIT A**  
**DEFINITIONS**

1. “Any” shall be construed to mean “any and all.”

2. “CRT” or “CRTs” means any (a) color picture tubes (“CPTs”), which are cathode ray tubes used primarily in color televisions; and (b) color display tubes (“CDTs”), which are used primarily in color computer monitors.

3. “CRT Finished Product” means televisions containing CPTs and/or computer monitors containing CDTs.

4. “CRT Product” means any CRT or CRT Finished Product.

5. “Defendant” or “Defendants” means any of the entities currently or formerly named as defendants in this litigation and, without limitation, all of their past and present parents, subsidiaries, affiliates, joint ventures, officers, directors, employees, agents, attorneys, or representatives (and the parents’, subsidiaries’, affiliates’, or joint ventures’ past and present officers, directors, employees, agents, attorneys, or representatives), and the predecessors, successors, heirs, executors, administrators, and assigns of each of the foregoing.

6. “Document” or “documents” has the broadest possible meaning pursuant to the Federal Rules of Civil Procedure including, but not limited to, all writings and other tangible things upon which any form of communication is recorded or reproduced, and preliminary drafts and non-identical copies of the above (whether such copies differ from the original by reason of notation made on such copies or otherwise). Without limiting the generality of the foregoing, the term “document” or “documents” includes, but is not limited to, correspondence, memoranda, notes, records, letters, envelopes, telegrams, messages, studies, analyses, contracts, agreements, working papers, accounts, analytical records, reports and/or summaries of investigations, trade letters, press releases, comparisons, books, calendars, diaries, articles, magazines, newspapers, booklets, brochures, pamphlets, circulars, bulletins, notices, drawings, diagrams, instructions, notes or minutes of meetings or of other communications of any type, including inter- and intra-office communications, questionnaires, surveys, charts, graphs, photographs, phonograph recordings, films,



1 tapes, disks, data cells, print-outs of information stored or maintained by electronic data processing  
2 or word processing equipment, including email, and all other data compilations from which  
3 information can be obtained (by translation, if necessary, by you through detection devices into  
4 usable form), including, but not limited to, electromagnetically sensitive storage media such as  
5 floppy disks, hard disks and magnetic tapes, and any preliminary versions, drafts or revisions of any  
6 of the foregoing. "Document" or "documents" also includes each and every file folder or other  
7 material in which the above items are stored, filed or maintained.

8 7. "Or" and "and" should be construed so as to require the broadest possible response.  
9 If, for example, a request calls for information about "A or B" or "A and B," you should produce all  
10 information about A and all the information about B, as well as all information about A and B  
11 collectively. In other words, "or" and "and" should be read as "and/or."

12 8. "Relating to," "referring to," "regarding" or "with respect to" mean, without  
13 limitation, the following concepts: discussing, describing, reflecting, dealing with, and pertaining to,  
14 analyzing, evaluating, estimating, constituting, studying, surveying, projecting, assessing, recording,  
15 summarizing, criticizing, reporting, commenting, or otherwise involving, in whole or in part.

16 9. "Relevant Period" means March 1, 1995 to November 25, 2007.

17 10. "You," "Your," or "Your Company" mean the responding plaintiffs Best Buy Co.,  
18 Inc., Best Buy Purchasing LLC, Best Buy Enterprise Services, Inc., Best Buy Stores, L.P.,  
19 BestBuy.Com, L.L.C., and Magnolia Hi-Fi, Inc., together with all present and former directors,  
20 officers, employees, or agents of the entities listed in this Definition.

**SCHEDULE OF TOPICS**

Witnesses with knowledge of the following matters during the Relevant Period (unless a time period is specified otherwise):

1. Your overall corporate structure, including, the identification of departments within Best Buy responsible for the purchase, sale, pricing, marketing or distribution of CRTs and/or CRT Finished Products and their functions and the identification of any individuals that had managerial responsibility for the purchase, sale, pricing, marketing or distribution of CRTs and/or CRT Finished Products.

2. The location of Best Buy's purchasing operations for CRT or CRT Finished Products, including the location of price negotiations.

3. The identity and general description of the CRTs and/or CRT Finished Products Best Buy purchased, sold, marketed or distributed.

4. The identity of the Defendants from whom you purchased CRTs and/or CRT Finished Products, and the identity and amount of CRTs and/or CRT Finished Products You purchased from them (by year, in units and U.S. dollars), if any.

5. The identity of any non-Defendant manufacturers, producers or distributors from whom you purchased CRTs and/or CRT Finished Products, and the identity and amount of CRTs and/or CRT Finished Products (by year, in units and U.S. dollars) You purchased from them, if any.

6. Best Buy's purchase or acquisition of CRTs or CRT Finished Products, including:

(a) purchase volume (by units and dollar value);

(b) the price quoted and paid for each purchase, including any discounts (e.g., early-pay, volume, or deduction from invoice ("DFI") discounts), rebates (e.g., guaranteed or unguaranteed volume, trailing credit, debit memoranda), and other terms of purchase;

(c) the date and quantity of each purchase;

(d) whether each purchase was for internal use or resale;

(e) whether each purchase was for a new product or a refurbished product;

(f) whether and when Best Buy took physical possession of the purchased CRTs or CRT

1 Finished Products;

2 (g) whether and when transfer of title to Best Buy occurred;

3 (h) the reasons for purchasing CRTs or CRT Finished Products in one state or country as  
4 opposed to another;

5 (i) the person(s) from whom each purchase was made;

6 (j) the location of the person(s) who negotiated and consummated the purchase on Best  
7 Buy's behalf and on behalf of the person(s) from whom the purchase was made;

8 (k) the locations from which and to which each purchase was shipped;

9 (l) the locations from which and to which Best Buy was billed for each transaction;

10 (m) the persons and locations from which and to which purchase orders and payments were  
11 issued; and

12 (n) the name of each entity from which You acquired the CRTs or CRT Finished Products.

13 7. The factors Best Buy considered in determining (a) from which Defendant(s) and/or  
14 non-Defendant(s) to purchase CRTs and/or CRT Finished Products, and (b) which CRTs and/or  
15 CRT Finished Products to purchase from particular Defendants and non-Defendants.

16 8. The process by which You negotiated, entered into, approved or ratified purchase  
17 agreements or contracts for CRT Finished Products, including: (a) Your policies and practices  
18 regarding the negotiation of terms and conditions of such sales contracts; (b) use of standardized  
19 sales or purchase contracts; (c) use of "MFN" (Most Favored Nation) or "MFC" (Most Favored  
20 Company) clauses or similar price-protection clauses; and (d) the identity and location of documents  
21 that relate to the matters specified in this topic.

22 9. Your participation in any discounts, promotions, rebates or advertising cooperative  
23 programs provided or sponsored by any Defendant or non-Defendant from whom You purchased  
24 CRT Finished Products.

25 10. Best Buy's sales of CRTs or CRT Finished Products, whether direct sales or sales by  
26 any person or entity purchasing or incorporating such CRTs or CRT Finished Products into other  
27 CRT Finished Products on Best Buy's behalf, including Best Buy's incorporation of CRTs in any  
28

1 other product or resale of CRTs or CRT Finished Products, including: (a) the sales volume (by units  
2 and dollar value); (b) the price quoted and received for each sale (including any discounts, rebates,  
3 and other terms of sale); (c) the date and quantity of each sale; and (d) the person(s) to whom such  
4 CRTs or CRT Finished Products were sold.

5 11. Your policies and practices for setting the price at which You sold CRT Finished  
6 Products to Your customers, including consideration or use of the following:

- 7 (a) formulas;
- 8 (b) factors such as cost, supply, demand, competitor pricing, market forecasts, and product  
9 specifications;
- 10 (c) price guidelines or price lists;
- 11 (d) negotiations or negotiated prices;
- 12 (e) commission costs;
- 13 (f) average costs;
- 14 (g) why pay prices;
- 15 (h) minimum advertised prices;
- 16 (i) meet-comping;
- 17 (j) alternative distribution channels;
- 18 (k) the percentage of price attributable to CRTs contained in CRT Finished Products sold;
- 19 (l) any increase of price that Best Buy quoted or charged to any customer that was  
20 attributable to Best Buy's alleged overpayment of CRTs;
- 21 (m) rebates;
- 22 (n) below-cost pricing;
- 23 (o) bundled product or services pricing;
- 24 (p) most-favored-nation pricing;
- 25 (q) sale pricing;
- 26 (r) market development funds or demo budgets;
- 27 (s) advertising funds;

- 1 (t) non-price consideration;
- 2 (u) loss-leader pricing;
- 3 (v) early-pay discounts;
- 4 (w) “min sell prices”;
- 5 (x) “closest thing to wholesale” prices;
- 6 (y) builder prices;
- 7 (z) spiffs or spivs; and
- 8 (aa) if and how these policies, procedures, practices, methods, formulas, or factors vary by
- 9 purchaser.

10 12. How Best Buy’s CRT Finished Products were marketed for sale, including whether  
11 factors other than price were evidence in the marketing materials and how the marketing strategy  
12 was determined and implemented for the CRT Finished Products sold.

13 13. Your use of discounts, promotions, rebates or loyalty programs in connection with the  
14 sale of CRT Finished Products to Your customers, including how You recorded such discounts or  
15 rebates, and the identity and location of Documents or data recording such discounts or rebates.

16 14. Other products that Your Company believed were viewed by Your customers as  
17 alternatives to CRT Finished Products, including: (a) products other than CRT Finished Products; (b)  
18 the reasons that You believe purchasers viewed such products to be alternatives to the CRT Finished  
19 Products You purchased from the Defendants; (c) the extent to which these products had any effect  
20 on Your pricing decisions; and (d) the identity and location of Documents that relate to the matters  
21 specified in this topic.

22 15. Your policies and practices relating to Your decision to give priority to the  
23 promotion, advertising or sale of certain Defendants’ CRT Finished Products over other Defendants’  
24 CRT Finished Products; to promote Defendants’ CRT Finished Products over non-Defendants’ CRT  
25 Finished Products; or to promote non-Defendants’ CRT Finished Products over Defendants’ CRT  
26 Finished Products.

27 16. All contracts or any other agreements relating to CRTs or CRT Finished Products

1 between Best Buy and any entity, including the terms and conditions of any such contracts or  
2 agreements, including the scope of the agreement, choice of law, and forum selection.

3 17. Explanation of whether, based on records maintained by Best Buy, it is possible to  
4 link, trace, or otherwise establish a relationship between the CRTs or CRT Finished Products that  
5 Best Buy purchased to those that it sold and, if so, how.

6 18. Whether the CRTs contained in each of the CRT Finished Products on which Best  
7 Buy bases its claims were first shipped-to or billed-to a location outside the United States or inside  
8 the United States, and an explanation of how Best Buy made or would make that determination.

9 19. The identity of the manufacturer of the CRT contained in each of the CRT Finished  
10 Products on which Best Buy bases its claims, and an explanation of how Best Buy has made or  
11 would make that identification.

12 20. Your practices, policies and procedures concerning Your market monitoring activity  
13 for CRT Finished Products including, but not limited to the following: (a) Your competitive  
14 intelligence activities; (b) Your use of third-party data sources and market share/data analyses; and  
15 (c) Your knowledge, use, and tracking of Your competitors pricing for CRT Finished Products  
16 during the Relevant Time Period.

17 21. Best Buy's suspicions or beliefs that any manufacturer of CRTs was engaged in any  
18 anticompetitive conduct relating to CRTs and the circumstances (including dates) surrounding, and  
19 reasons for and sources of, such suspicions or beliefs, and any formal or informal investigations  
20 conducted by Best Buy to confirm or deny such suspicions or beliefs.

21 22. The identification, description, date, location, source, and persons involved in all  
22 statements that Best Buy read, heard, or otherwise became aware of upon which Best Buy bases its  
23 contention that Defendants fraudulently concealed the alleged conspiracy from Best Buy, including a  
24 description of Best Buy's reliance on any such statements.

25 23. The method(s) used by Your Company to track inventory levels, link returns and  
26 sales, and monitor product margins of CRT Finished Products You sold.

27 24. Your standards and practices with regard to tracking the purchases and sales of CRT  
28

1 Finished Products for determining the profitability of sales, and for financial reporting purposes,  
2 including the nature of the financial data available, the location of such data, and the names of  
3 individuals responsible for maintaining such data.

4 25. The identity of each of Your electronic databases related to the purchases and sales  
5 listed in Topics 6 and 11 above, and the contents of each such databases, including the fields and/or  
6 column headings used in such electronic databases.

7 26. Your policies and practices related to the retention and deletion of all Documents and  
8 data (including any of Your electronic databases) related to the purchases and sales listed in Topics 6  
9 and 11.

10 27. The extent to which Best Buy passed on its costs in purchasing or acquiring CRTs or  
11 CRT Finished Products to its customers, including pricing practices and timing of price increases,  
12 but not including precise figures or total amounts of price margins.

13 28. The assignment of any claims asserted in the Complaint, including the identification  
14 of the assignees, the identification of the assignors, the mechanism or form of said assignments, the  
15 consideration received for any such assignment, and any agreements or plans for the distribution of  
16 damages or settlement proceeds recovered in this action to the assignors.

17 29. Best Buy's search for, production of, and all efforts to preserve any documents that  
18 are potentially relevant to this or any other litigation or investigation concerning CRTs or CRT  
19 Finished Products.

20 30. Identification, location, last known address, telephone number, and e-mail address of  
21 any person having or believed to have any information regarding the foregoing topics or facts  
22 underlying these topics.

23 31. Identification, location, last known address, telephone number, and e-mail address of  
24 any person having or believed to have any documents or other electronic or non-electronic files  
25 regarding the foregoing topics or facts underlying these topics, including any person having or  
26 believed to have information regarding each of the fields contained in such files and the means by  
27 which those fields were constructed.

32. A complete explanation of Your transactional sales and purchase data for CRTs or CRT Finished Products, including any transactional-level sales data produced by You in this action and the information contained in such data.

## CERTIFICATE OF SERVICE

I hereby certify that on March ##, 2014, I electronically caused a copy of “Notice of Deposition of Best Buy” to be served via e-mail upon Laura Nelson of Robins, Kaplan, Miller & Ciresi L.L.P., counsel for Best Buy, at lenelson@rkmc.com, as well as counsel for parties who have entered an appearance in this case.

By: /s/ Jennifer Stewart  
Jennifer Stewart



## Exhibit 13

**Arguello, Sofia**

---

**From:** Stewart, Jennifer M.  
**Sent:** Tuesday, April 01, 2014 4:29 PM  
**To:** 'Nelson, Laura E.'  
**Cc:** Cole, Eva W.; Donovan, Molly M.; 'Baumgart, Jamie L.'  
**Subject:** RE: CRT - Best Buy 30(b)(6) Deposition  
**Attachments:** NY-#1599985-v3-CRT\_-\_Best\_Buy\_2nd\_30(b)(6)\_notice.DOC

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Laura,

Attached please find our revised draft 30(b)(6) topics, which take into account our discussion last week. We think based on these revisions that the scope of information we are seeking is clear, and would request that you provide us with a date by which you can identify an appropriate deponent or deponents. We would also ask that you indicate a potential time frame for the deposition(s), as we would like to get this on the calendar shortly. As you may know, various other DAPs have agreed to the broader scope of topics set forth in our initial proposed notice, and thus we are not inclined to revise the notice any further.

Additionally, we have a few other housekeeping requests. First, Best Buy had previously identified Mickey Thedens as a potentially relevant custodian in October 2012, who we understand is no longer with the company. Mr. Stone, however, testified about a Mickey *Thaden*, who served as the Senior Merchant for Computer Monitors immediately before Mr. Stone assumed that position in 1998 (Tr. at 74:12-14). Please advise as to the correct spelling of this individual's name or whether these are two different individuals.

Second, we would appreciate if you could please confirm that Pamela Andreson, who Mr. Stone testified had left Best Buy (Tr. 65:16-21), is no longer a Best Buy employee.

Finally, in October 2012, we agreed to a list of sixty-four initial custodians for which you subsequently provided "expanded relevant job title information" consisting of the title, start date, and department for each job that the custodian held during the relevant time period. See Letter of March 1, 2013. On April 22, 2013, you agreed to produce the documents of fifteen additional custodians – namely, Steven J. Andrzejewski, Sheri Best, John Keith Bryan, Gholamhossein Chehrzad, Michael Cuccia, Lisa D. Hancock, Lauren Haugen, Christopher R. Koller, John P. Maskel, Patrick D. Obrien, Lance Rusco, Joseph P. Thull, Ryan L. Tykwinski, Todd Philip Walker, and Scott J. Wallace. We would request that you provide us with the same "expanded relevant job title information" for these custodians as you did for the initial custodians.

Thank you,

Jennifer

**Jennifer M. Stewart**

Winston & Strawn LLP

D: +1 (212) 294-4743

[winston.com](http://winston.com)

**WINSTON  
& STRAWN**

---

**From:** Nelson, Laura E. [mailto:LENelson@rkmc.com]  
**Sent:** Thursday, March 20, 2014 4:01 PM  
**To:** Stewart, Jennifer M.  
**Cc:** Cole, Eva W.; Donovan, Molly M.; Baumgart, Jamie L.  
**Subject:** RE: CRT - Best Buy 30(b)(6) Deposition

Confirmed. Thanks, Jennifer.

---

**From:** Stewart, Jennifer M. [mailto:JStewart@winston.com]  
**Sent:** Thursday, March 20, 2014 2:57 PM  
**To:** Nelson, Laura E.  
**Cc:** Cole, Eva W.; Donovan, Molly M.  
**Subject:** RE: CRT - Best Buy 30(b)(6) Deposition

Laura,

As discussed, Eva and I are available to speak with you about these proposed topics at 11am EDT on Tuesday morning. Please confirm your availability for the call and we can use the following dial in information:

Dial in - 1-866-844-9418  
Passcode – 12122944743

Thank you,

Jennifer

**Jennifer M. Stewart**

Winston & Strawn LLP  
D: +1 (212) 294-4743

winston.com

WINSTON  
& STRAWN

---

**From:** Stewart, Jennifer M.  
**Sent:** Tuesday, March 11, 2014 8:50 PM  
**To:** lenelson@rkmc.com  
**Cc:** Cole, Eva W. (EWCole@winston.com); Donovan, Molly M. (MMDonovan@winston.com)  
**Subject:** CRT - Best Buy 30(b)(6) Deposition

Dear Laura,

Attached please find our proposed notice for a second 30(b)(6) deposition of the Best Buy plaintiffs. We would like to get this scheduled for toward the end of April, but, as per our recent phone call, please let us know when you are available to discuss timing once you have considered the appropriate deponent(s).

Thank you and best regards,

Jennifer

**Jennifer M. Stewart**

Associate

Winston & Strawn LLP  
200 Park Avenue

New York, NY 10166-4193

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F: +1 (212) 294-4700

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**WINSTON  
& STRAWN**

U.S. NEWS AND WORLD REPORT'S SPORTS LAW "LAW FIRM OF THE YEAR" 2012-2013



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Thank you in advance for your cooperation.

Robins, Kaplan, Miller & Ciresi L.L.P.

<http://www.rkmc.com>

---

\*\*\*\*\*

JEFFREY L. KESSLER (*pro hac vice*)  
A. PAUL VICTOR (*pro hac vice*)  
ALDO A. BADINI (257086)  
EVA W. COLE (*pro hac vice*)  
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E-mail: [jkessler@winston.com](mailto:jkessler@winston.com)

STEVEN A. REISS (*pro hac vice*)  
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Facsimile: (212) 310-8007  
E-mail: david.yohai@weil.com

*Attorneys for Defendants Panasonic Corporation of North America, MT Picture Display Co., Ltd., and Panasonic Corporation (f/k/a Matsushita Electric Industrial Co., Ltd)*

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

IN RE: CATHODE RAY TUBE (CRT)	)	Master File No. 3:07-cv-05944 SC
ANTITRUST LITIGATION	)	
	)	MDL NO. 1917
	)	
	)	<b>NOTICE OF DEPOSITION OF</b>
	)	<b>BEST BUY</b>

Judge: Hon. Samuel Conti

This Document Relates To:

## ALL ACTIONS

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD IN THIS ACTION:**

**YOU ARE HEREBY NOTIFIED** that, pursuant to Federal Rule of Civil Procedure 30(b)(6), Defendants Panasonic Corporation of North America, MT Picture Display Co., Ltd., and Panasonic Corporation (f/k/a Matsushita Electric Industrial Co., Ltd), by and through their counsel and in conjunction with all defendants, will take the deposition of a designated representative of Best Buy Co., Inc., Best Buy Purchasing LLC, Best Buy Enterprise Services, Inc., Best Buy Stores, L.P., Bestbuy.com, LLC, and Magnolia HI-FI, Inc. (collectively, "Best Buy"), commencing on \_\_\_\_\_, 2014 at 9:30 AM at the offices of Winston & Strawn LLP, 200 Park Avenue, New York, NY 10166. The topics of the deposition are listed in Exhibit A.

**YOU ARE FURTHER NOTIFIED** that the deposition shall be recorded stenographically by a certified shorthand reporter who is duly authorized to take and transcribe said deposition, and a real-time transcription service such as LiveNote may also be available for the use of counsel. The deposition may also be recorded by videotape, and the defendants reserve the right to use the videotape of the deposition at trial.

Dated: April ##, 2014

WINSTON & STRAWN LLP

By: /s/ Eva W. Cole

JEFFREY L. KESSLER (*pro hac vice*)  
 A. PAUL VICTOR (*pro hac vice*)  
 ALDO A. BADINI (257086)  
 EVA W. COLE (*pro hac vice*)  
 MOLLY M. DONOVAN (*pro hac vice*)  
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 ADAM C. HEMLOCK (*pro hac vice*)  
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 767 Fifth Avenue

New York, New York 10153-0119  
Telephone: (212) 310-8000  
Facsimile: (212) 310-8007  
E-mail: david.yohai@weil.com

*Attorneys for Defendants Panasonic Corporation,  
Panasonic Corporation of North America, and MT  
Picture Display Co., Ltd.*



**EXHIBIT A**  
**DEFINITIONS**

1. “Any” shall be construed to mean “any and all.”

2. “CRT” or “CRTs” means any (a) color picture tubes (“CPTs”), which are cathode ray tubes used primarily in color televisions; and (b) color display tubes (“CDTs”), which are used primarily in color computer monitors.

3. “CRT Finished Product” means televisions containing CPTs and/or computer monitors containing CDTs.

4. “CRT Product” means any CRT or CRT Finished Product.

5. “Defendant” or “Defendants” means any of the entities currently or formerly named as defendants in this litigation and, without limitation, all of their past and present parents, subsidiaries, affiliates, joint ventures, officers, directors, employees, agents, attorneys, or representatives (and the parents’, subsidiaries’, affiliates’, or joint ventures’ past and present officers, directors, employees, agents, attorneys, or representatives), and the predecessors, successors, heirs, executors, administrators, and assigns of each of the foregoing.

6. “Document” or “documents” has the broadest possible meaning pursuant to the Federal Rules of Civil Procedure including, but not limited to, all writings and other tangible things upon which any form of communication is recorded or reproduced, and preliminary drafts and non-identical copies of the above (whether such copies differ from the original by reason of notation made on such copies or otherwise). Without limiting the generality of the foregoing, the term “document” or “documents” includes, but is not limited to, correspondence, memoranda, notes, records, letters, envelopes, telegrams, messages, studies, analyses, contracts, agreements, working papers, accounts, analytical records, reports and/or summaries of investigations, trade letters, press releases, comparisons, books, calendars, diaries, articles, magazines, newspapers, booklets, brochures, pamphlets, circulars, bulletins, notices, drawings, diagrams, instructions, notes or minutes of meetings or of other communications of any type, including inter- and intra-office communications, questionnaires, surveys, charts, graphs, photographs, phonograph recordings, films,

1 tapes, disks, data cells, print-outs of information stored or maintained by electronic data processing  
2 or word processing equipment, including email, and all other data compilations from which  
3 information can be obtained (by translation, if necessary, by you through detection devices into  
4 usable form), including, but not limited to, electromagnetically sensitive storage media such as  
5 floppy disks, hard disks and magnetic tapes, and any preliminary versions, drafts or revisions of any  
6 of the foregoing. "Document" or "documents" also includes each and every file folder or other  
7 material in which the above items are stored, filed or maintained.

8 7. "Or" and "and" should be construed so as to require the broadest possible response.  
9 If, for example, a request calls for information about "A or B" or "A and B," you should produce all  
10 information about A and all the information about B, as well as all information about A and B  
11 collectively. In other words, "or" and "and" should be read as "and/or."

12 8. "Relating to," "referring to," "regarding" or "with respect to" mean, without  
13 limitation, the following concepts: discussing, describing, reflecting, dealing with, and pertaining to,  
14 analyzing, evaluating, estimating, constituting, studying, surveying, projecting, assessing, recording,  
15 summarizing, criticizing, reporting, commenting, or otherwise involving, in whole or in part.

16 9. "Relevant Period" means March 1, 1995 to November 25, 2007.

17 10. "You," "Your," or "Your Company" mean the responding plaintiffs Best Buy Co.,  
18 Inc., Best Buy Purchasing LLC, Best Buy Enterprise Services, Inc., Best Buy Stores, L.P.,  
19 BestBuy.Com, L.L.C., and Magnolia Hi-Fi, Inc., together with all present and former directors,  
20 officers, employees, or agents of the entities listed in this Definition.

**SCHEDULE OF TOPICS**

Witnesses with knowledge of the following matters during the Relevant Period (unless a time period is specified otherwise):

1. Your overall corporate structure, including, the identification of departments within Best Buy responsible for the purchase, sale, pricing, marketing or distribution of CRTs and/or CRT Finished Products and their functions and the identification of any individuals that had managerial responsibility for the purchase, sale, pricing, marketing or distribution of CRTs and/or CRT Finished Products.

2. The location of Best Buy's purchasing operations for CRT or CRT Finished Products, including the location of price negotiations.

3. The identity and general description of the CRTs and/or CRT Finished Products Best Buy purchased, sold, marketed or distributed.

4. The identity of the Defendants from whom you purchased CRTs and/or CRT Finished Products, and the general and relative volume of CRTs and/or CRT Finished Products You purchased from them, including any changes over the Relevant Period.

5. The identity of any non-Defendant manufacturers, producers or distributors from whom you purchased CRTs and/or CRT Finished Products, and the general and relative volume of CRTs and/or CRT Finished Products You purchased from them, including any changes over the Relevant Period.

6. Best Buy's purchase or acquisition of CRTs or CRT Finished Products, including:

(a) whether Best Buy made any purchases for internal use;

(b) whether Best Buy purchased any refurbished products;

(c) whether and when Best Buy took physical possession of the purchased CRTs or CRT Finished Products; and

(d) whether and when transfer of title to Best Buy occurred.

7. The factors Best Buy considered in determining (a) from which Defendant(s) and/or non-Defendant(s) to purchase CRTs and/or CRT Finished Products, and (b) which CRTs and/or

1 CRT Finished Products to purchase from particular Defendants and non-Defendants.

2 8. The process by which You negotiated, entered into, approved or ratified purchase  
3 agreements or contracts for CRT Finished Products, including: (a) Your policies and practices  
4 regarding the negotiation of terms and conditions of such sales contracts; (b) use of standardized  
5 sales or purchase contracts; (c) use of “MFN” (Most Favored Nation) or “MFC” (Most Favored  
6 Company) clauses or similar price-protection clauses; and (d) the identity and location of documents  
7 that relate to the matters specified in this topic.

8 9. Your participation in any discounts, promotions, rebates or advertising cooperative  
9 programs provided or sponsored by any Defendant or non-Defendant from whom You purchased  
10 CRT Finished Products.

11 10. Best Buy’s sales of CRTs or CRT Finished Products, including any sales by any  
12 person or entity purchasing or incorporating such CRTs or CRT Finished Products into other CRT  
13 Finished Products on Best Buy’s behalf.

14 11. Your policies and practices for setting the price at which You sold CRT Finished  
15 Products to Your customers, including consideration or use of the following:

- 16 (a) commission costs;
- 17 (b) average costs;
- 18 (c) why pay prices;
- 19 (d) meet-comping;
- 20 (e) alternative distribution channels;
- 21 (f) the percentage of price attributable to CRTs contained in CRT Finished Products sold;
- 22 (g) any increase of price that Best Buy quoted or charged to any customer that was  
23 attributable to Best Buy’s alleged overpayment of CRTs;
- 24 (h) below-cost pricing;
- 25 (i) bundled product or services pricing;
- 26 (j) most-favored-nation pricing;
- 27 (k) sale pricing;

- 1 (l) market development funds or demo budgets;
- 2 (m) advertising funds;
- 3 (n) non-price consideration;
- 4 (o) loss-leader pricing;
- 5 (p) early-pay discounts;
- 6 (q) “min sell prices”;
- 7 (r) “closest thing to wholesale” prices;
- 8 (s) builder prices;
- 9 (t) spiffs or spivs; and
- 10 (u) if and how these policies, procedures, practices, methods, formulas, or factors vary by
- 11 purchaser.

12 12. How Best Buy’s CRT Finished Products were marketed for sale, including whether  
13 factors other than price were evidenced in the marketing materials and how the marketing strategy  
14 was determined and implemented for the CRT Finished Products sold.

15 13. Your use of rebates in connection with the sale of CRT Finished Products to Your  
16 customers.

17 14. Other products that Your Company believed were viewed by Your customers as  
18 alternatives to CRT Finished Products, including: (a) products other than CRT Finished Products; (b)  
19 the reasons that You believe purchasers viewed such products to be alternatives to the CRT Finished  
20 Products You purchased from the Defendants; (c) the extent to which these products had any effect  
21 on Your pricing decisions; and (d) the identity and location of Documents that relate to the matters  
22 specified in this topic.

23 15. Your policies and practices relating to Your decision to give priority to the  
24 promotion, advertising or sale of certain Defendants’ CRT Finished Products over other Defendants’  
25 CRT Finished Products; to promote Defendants’ CRT Finished Products over non-Defendants’ CRT  
26 Finished Products; or to promote non-Defendants’ CRT Finished Products over Defendants’ CRT  
27 Finished Products.

28

1           16. All contracts or any other agreements relating to CRTs or CRT Finished Products  
2 between Best Buy and any entity, including the terms and conditions of any such contracts or  
3 agreements, including the scope of the agreement, choice of law, and forum selection.

4           17. Whether the CRTs contained in each of the CRT Finished Products on which Best  
5 Buy bases its claims were first shipped-to or billed-to a location outside the United States or inside  
6 the United States, and an explanation of how Best Buy made or would make that determination.

7           18. The identity of the manufacturer of the CRT contained in each of the CRT Finished  
8 Products on which Best Buy bases its claims, and an explanation of how Best Buy has made or  
9 would make that identification.

10           19. Your practices, policies and procedures concerning Your market monitoring activity  
11 for CRT Finished Products including, but not limited to the following: (a) Your competitive  
12 intelligence activities; (b) Your use of third-party data sources and market share/data analyses; and  
13 (c) Your knowledge, use, and tracking of Your competitors pricing for CRT Finished Products  
14 during the Relevant Time Period.

15           20. Best Buy's suspicions or beliefs that any manufacturer of CRTs was engaged in any  
16 anticompetitive conduct relating to CRTs and the circumstances (including dates) surrounding, and  
17 reasons for and sources of, such suspicions or beliefs, and any formal or informal investigations  
18 conducted by Best Buy to confirm or deny such suspicions or beliefs.

19           21. The identification, description, date, location, source, and persons involved in all  
20 statements that Best Buy read, heard, or otherwise became aware of upon which Best Buy bases its  
21 contention that Defendants fraudulently concealed the alleged conspiracy from Best Buy, including a  
22 description of Best Buy's reliance on any such statements.

23           22. The method(s) used by Your Company to track inventory levels, link returns and  
24 sales, and monitor product margins of CRT Finished Products You sold.

25           23. Your standards and practices with regard to tracking the purchases and sales of CRT  
26 Finished Products for determining the profitability of sales, and for financial reporting purposes,  
27 including the nature of the financial data available, the location of such data, and the names of  
28

1 individuals responsible for maintaining such data.

2           24.     Your policies and practices related to the retention and deletion of all Documents and  
3 data (including any of Your electronic databases) related to the purchases and sales listed in Topics 6  
4 and 11.

5           25.     The extent to which Best Buy passed on its costs in purchasing or acquiring CRTs or  
6 CRT Finished Products to its customers, including pricing practices and timing of price increases,  
7 but not including precise figures or total amounts of price margins.

8           26.     The assignment of any claims asserted in the Complaint, including the identification  
9 of the assignees, the identification of the assignors, the mechanism or form of said assignments, the  
10 consideration received for any such assignment, and any agreements or plans for the distribution of  
11 damages or settlement proceeds recovered in this action to the assignors.

12           27.     Best Buy's search for, production of, and all efforts to preserve any documents that  
13 are potentially relevant to this or any other litigation or investigation concerning CRTs or CRT  
14 Finished Products.

15           28.     Identification, location, last known address, telephone number, and e-mail address of  
16 any person having or believed to have any information regarding the foregoing topics or facts  
17 underlying these topics.

18           29.     Identification, location, last known address, telephone number, and e-mail address of  
19 any person having or believed to have any documents or other electronic or non-electronic files  
20 regarding the foregoing topics or facts underlying these topics, including any person having or  
21 believed to have information regarding each of the fields contained in such files and the means by  
22 which those fields were constructed.

**CERTIFICATE OF SERVICE**

I hereby certify that on April ##, 2014, I electronically caused a copy of “Notice of Deposition of Best Buy” to be served via e-mail upon Laura Nelson of Robins, Kaplan, Miller & Ciresi L.L.P., counsel for Best Buy, at lenelson@rkmc.com, as well as counsel for parties who have entered an appearance in this case.

By: /s/ Jennifer Stewart  
Jennifer Stewart



## Exhibit 14

**Arguello, Sofia**

---

**From:** Nelson, Laura E. <LENelson@rkmc.com>  
**Sent:** Wednesday, April 09, 2014 6:24 PM  
**To:** Stewart, Jennifer M.  
**Cc:** Cole, Eva W.; Donovan, Molly M.; Baumgart, Jamie L.  
**Subject:** Re: CRT - Best Buy 30(b)(6) Deposition

Jennifer,

We are reviewing your revised notice with our client and will be putting up one or more witnesses on the topics subject to our objections. We will provide dates shortly. On our last call, I was told I would be receiving a list of the fact witnesses you wanted to depose when I received the revised draft notice. I still have not received that list, but would appreciate receiving it as soon as possible as it may impact scheduling of the 30(b)(6).

Best,  
Laura

On Apr 9, 2014, at 5:02 PM, "Stewart, Jennifer M." <[JStewart@winston.com](mailto:JStewart@winston.com)> wrote:

Dear Laura,

We have been unable to reach you by phone this week. We still have not received a response to our 30(b)(6) topics, or received from you the name or names of Best Buy's deponent(s) or a date by which you will provide us with this information. As we have previously explained, there are already depositions on the calendar for virtually all of the other DAPs in this litigation and there have been no issues with the general scope of these topics for those depositions that have been taken to date.

Unless we hear from you by the end of the day tomorrow with a date by which Best Buy will identify its deponent and some proposed dates for this deposition, we will need to seek Judge Walker's intervention. We would prefer to resolve this without the court's assistance, but we need to move forward with this discovery in order to comply with the rigorous schedule in this case.

Thank you,

Jennifer

**Jennifer M. Stewart**

Winston & Strawn LLP

D: +1 (212) 294-4743

[winston.com](http://winston.com)

<[image001.jpg](#)>

---

**From:** Stewart, Jennifer M.  
**Sent:** Tuesday, April 01, 2014 4:29 PM  
**To:** Nelson, Laura E.  
**Cc:** Cole, Eva W.; Donovan, Molly M.; Baumgart, Jamie L.  
**Subject:** RE: CRT - Best Buy 30(b)(6) Deposition

Dear Laura,

Attached please find our revised draft 30(b)(6) topics, which take into account our discussion last week. We think based on these revisions that the scope of information we are seeking is clear, and would request that you provide us with a date by which you can identify an appropriate deponent or deponents. We would also ask that you indicate a potential time frame for the deposition(s), as we would like to get this on the calendar shortly. As you may know, various other DAPs have agreed to the broader scope of topics set forth in our initial proposed notice, and thus we are not inclined to revise the notice any further.

Additionally, we have a few other housekeeping requests. First, Best Buy had previously identified Mickey Thedens as a potentially relevant custodian in October 2012, who we understand is no longer with the company. Mr. Stone, however, testified about a Mickey *Thaden*, who served as the Senior Merchant for Computer Monitors immediately before Mr. Stone assumed that position in 1998 (Tr. at 74:12-14). Please advise as to the correct spelling of this individual's name or whether these are two different individuals.

Second, we would appreciate if you could please confirm that Pamela Andreson, who Mr. Stone testified had left Best Buy (Tr. 65:16-21), is no longer a Best Buy employee.

Finally, in October 2012, we agreed to a list of sixty-four initial custodians for which you subsequently provided "expanded relevant job title information" consisting of the title, start date, and department for each job that the custodian held during the relevant time period. See Letter of March 1, 2013. On April 22, 2013, you agreed to produce the documents of fifteen additional custodians – namely, Steven J. Andrzejewski, Sheri Best, John Keith Bryan, Gholamhossein Chehrzad, Michael Cuccia, Lisa D. Hancock, Lauren Haugen, Christopher R. Koller, John P. Maskel, Patrick D. Obrien, Lance Rusco, Joseph P. Thull, Ryan L. Tykwinski, Todd Philip Walker, and Scott J. Wallace. We would request that you provide us with the same "expanded relevant job title information" for these custodians as you did for the initial custodians.

Thank you,

Jennifer

**Jennifer M. Stewart**

Winston & Strawn LLP

D: +1 (212) 294-4743

[winston.com](http://winston.com)

<image001.jpg>

---

**From:** Nelson, Laura E. [<mailto:LENelson@rkmc.com>]

**Sent:** Thursday, March 20, 2014 4:01 PM

**To:** Stewart, Jennifer M.

**Cc:** Cole, Eva W.; Donovan, Molly M.; Baumgart, Jamie L.

**Subject:** RE: CRT - Best Buy 30(b)(6) Deposition

Confirmed. Thanks, Jennifer.

---

**From:** Stewart, Jennifer M. [<mailto:JStewart@winston.com>]

**Sent:** Thursday, March 20, 2014 2:57 PM

**To:** Nelson, Laura E.

**Cc:** Cole, Eva W.; Donovan, Molly M.

**Subject:** RE: CRT - Best Buy 30(b)(6) Deposition

Laura,

As discussed, Eva and I are available to speak with you about these proposed topics at 11am EDT on Tuesday morning. Please confirm your availability for the call and we can use the following dial in information:

Dial in - 1-866-844-9418  
Passcode – 12122944743

Thank you,

Jennifer

**Jennifer M. Stewart**

Winston & Strawn LLP  
D: +1 (212) 294-4743  
[winston.com](http://winston.com)

<image001.jpg>

---

**From:** Stewart, Jennifer M.

**Sent:** Tuesday, March 11, 2014 8:50 PM

**To:** [jenelson@rkmc.com](mailto:jenelson@rkmc.com)

**Cc:** Cole, Eva W. ([EWCole@winston.com](mailto:EWCole@winston.com)); Donovan, Molly M. ([MMDonovan@winston.com](mailto:MMDonovan@winston.com))

**Subject:** CRT - Best Buy 30(b)(6) Deposition

Dear Laura,

Attached please find our proposed notice for a second 30(b)(6) deposition of the Best Buy plaintiffs. We would like to get this scheduled for toward the end of April, but, as per our recent phone call, please let us know when you are available to discuss timing once you have considered the appropriate deponent(s).

Thank you and best regards,

Jennifer

**Jennifer M. Stewart**

**Associate**

Winston & Strawn LLP  
200 Park Avenue  
New York, NY 10166-4193  
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[Email | winston.com](mailto:Email@winston.com)

<image001.jpg>

<image002.jpg>

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Thank you in advance for your cooperation.

Robins, Kaplan, Miller & Ciresi L.L.P.  
<http://www.rkmc.com>

---

The contents of this message may be privileged and confidential. Therefore, if this message has been received in error, please delete it without reading it. Your receipt of this message is not intended to waive any applicable privilege. Please do not disseminate this message without the permission of the author.

\*\*\*\*\*

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## EXHIBIT 15

[Highly Confidential – Filed Under Seal]

## Exhibit 16

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A. PAUL VICTOR (*pro hac vice*)  
ALDO A. BADINI (257086)  
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*Attorneys for Defendant Panasonic Corporation (f/k/a Matsushita Electric Industrial Co., Ltd.)*

Additional Counsel Listed on Signature Page

**IN THE UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

In re: CATHODE RAY TUBE (CRT)  
ANTITRUST LITIGATION

Case No. Master File No. 3:07-cv-05944-SC

MDL No. 1971

This Document Relates to:

Individual Case No. 3:11-cv-05513-SC

BEST BUY ACTION  
11-cv-05513 SC

**DEFENDANTS PANASONIC  
CORPORATION AND LG  
ELECTRONICS, INC.'S THIRD SET OF  
INTERROGATORIES TO PLAINTIFFS  
BEST BUY CO., INC., BEST BUY  
PURCHASING LLC, BEST BUY  
ENTERPRISE SERVICES, INC.; BEST  
BUY STORES, L.P., BESTBUY.COM,  
LLC, AND MAGNOLIA HI-FI, INC.**

**PROPOUNDING PARTIES:**

Defendants Panasonic Corporation (f/k/a Matsushita Electric Industrial Co., Ltd.) and LG Electronics, Inc.

**RESPONDING PARTY:**

Best Buy Co., Inc., Best Buy Purchasing LLC, Best Buy Enterprise Services, Inc., Best Buy Stores, L.P., Bestbuy.com, L.L.C., and Magnolia Hi-Fi, Inc.

**SET NO.:**

THIRD



Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Defendants Panasonic Corporation (f/k/a Matsushita Electric Industrial Co., Ltd.) and LG Electronics, Inc. hereby request that Plaintiffs Best Buy Co., Inc., Best Buy Purchasing LLC, Best Buy Enterprise Services, Inc., Best Buy Stores, L.P., Bestbuy.com, L.L.C., and Magnolia Hi-Fi, Inc. ("Plaintiffs") in the above-captioned action respond to the following second set of interrogatories (the "Interrogatories"). Plaintiffs are directed to serve verified answers in conformance with the above-cited rules at the offices of WINSTON & STRAWN LLP, Attn: Jennifer Stewart, 200 Park Avenue, New York, New York 10166 (or at such other place as may be agreed upon by the parties), within thirty (30) days after the date of the service hereof.

### DEFINITIONS

For the purposes of these Interrogatories, the following definitions apply:

- A. "All" shall be construed as all, each, any, and every.
- B. "And" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the Interrogatories all information that might otherwise be construed to be outside of their scope.
- C. "Complaint" means the First Amended Complaint filed by Best Buy Co., Inc., Best Buy Purchasing LLC, Best Buy Enterprise Services, Inc., Best Buy Stores, L.P., Bestbuy.com, L.L.C., and Magnolia Hi-Fi, Inc., on October 3, 2013 as Case No. 3:11-cv-05513-SC.
- D. "CRTs" means cathode ray tubes.
- E. "CRT Product(s)" means products containing CRTs.
- F. "Document(s)" has the broadest possible meaning permissible under the Federal Rules of Civil Procedure and/or applicable precedent, including but not limited to any written, printed, typed, recorded, filmed, punched, transcribed, taped or other graphic matter of any kind or nature, however produced or reproduced, whether in hard copy, electronic, or other form, and includes, without limitation, pamphlets, brochures, books, booklets, information sheets, papers, articles, journals, magazines, computer printouts, Internet search results, tapes, discs or other forms of audio, visual or audio/visual recordings, records, memoranda, reports, financial statements, affidavits, handwritten and

1 other notes, transcripts, paper, indices, letters, envelopes, telegrams, cables, electronic mail messages,  
 2 telex messages, telecopied messages, telephone messages, summaries or records of telephone  
 3 conversations, summaries or records of personal conversations or interviews, summaries or records of  
 4 meetings or conferences, minutes or transcriptions or notations of meetings or telephone conversations  
 5 or other communications of any type, tabulations, studies, analyses, evaluations, projections, work  
 6 papers, statements, summaries, opinions, journals, desk calendars, product labels, prescriptions,  
 7 package inserts or other information accompanying medications, maintenance or service records,  
 8 appointment books, diaries, billing records, checks, bank account statements, invoices, photographs,  
 9 microfilms, tapes or other records, punch cards, magnetic tapes, discs, data cells, drums, printouts, other  
 10 data compilations (in any form) from which information can be obtained, recordings made through data  
 11 processing techniques and the written information necessary to understand and use such materials, and  
 12 any other documents discoverable under the Federal Rules of Civil Procedure.

13 G. "Person" means and includes all natural persons or entities, governmental units,  
 14 partnerships, firms, corporations, associations, joint ventures, any other form of business  
 15 organization or arrangement, or any form of public, private or legal entity.

16 H. "You" and "Your" means the Plaintiffs responding to these interrogatories, their  
 17 predecessors in interest, divisions, successors, and assigns, the present and former officers, directors,  
 18 employees, attorneys, agents, and representatives of any of the above, and all persons acting or  
 19 purporting to act on their behalf. "You" or "Your" includes, but is not limited to, all entities who  
 20 assigned their claims to You.

21 I. The singular form of any noun or pronoun includes the plural, and vice versa.

22 J. Terms in the present tense include terms in the past tense, and terms in the past tense  
 23 include terms in the present tense.

#### 24 **GENERAL INSTRUCTIONS**

25 1. Answers to these Interrogatories are to be based upon all knowledge or information  
 26 available to You, including, but not limited to, all information or knowledge derivable from business  
 27 or other records, and all knowledge or information possessed by any person, including but not  
 28



1 limited to any employee, agent, attorney, expert witness, consultant, representative or other advisor,  
2 subject to the instruction, direction or control of You.

3 2. Each Interrogatory is to be answered separately and in order, and shall be construed  
4 independently and not by reference to any other Interrogatory.

5 3. Plaintiffs should answer each Interrogatory fully, unless it is objected to, in which  
6 event the reasons for the objection should be specifically and separately stated.

7 4. Plaintiffs shall sign any answers or responses; objections, if any, are to be signed by  
8 the attorney making them.

9 5. Where a complete answer to a particular Interrogatory is not possible, the  
10 Interrogatory should be answered to the extent possible and a statement should be made indicating  
11 why only a partial answer is given, together with the identity of any Documents or sources from  
12 which more complete information is obtainable.

13 6. With respect to any Interrogatory that You may allege that You are unable to answer  
14 due to insufficient knowledge, You are requested to specify the nature of the inquiries made in an  
15 attempt to enable You to answer the Interrogatory, including the identity of any person  
16 communicated with in an attempt to enable You to respond fully to the Interrogatory.

17 7. If, in answering these Interrogatories, You claim any ambiguity in interpreting either  
18 a particular Interrogatory or a definition or instruction, such claim shall not be utilized as a basis for  
19 refusing to answer. Instead, You shall set forth as part of the answer the language deemed to be  
20 ambiguous and the interpretation utilized in the response to the Interrogatory.

21 8. When referring to a person, "identify" means to state the person's full name, present  
22 or last known address, telephone number, present or last known place of employment, and present or  
23 last known title at that place of employment. Once a person has been identified in accordance with  
24 this paragraph, only the name of the person need be listed in response to subsequent discovery  
25 requesting the identification of the person.

26 9. When referring to a purchase, "identify" means to identify each person involved in  
27 negotiating the purchase, the place(s) of purchase negotiation, the date and place of purchase, size,  
28

1 model, type (CPT or CDT), seller and manufacturer of each CRT purchased, each Person involved in  
 2 the purchase and the time period and nature of each Person's involvement, and any Documents or  
 3 other evidence of the purchase.

4 10. If You elect to produce business records in response to an Interrogatory pursuant to  
 5 Federal Rule of Civil Procedure 33(d), You shall specifically identify the portion(s) of the business  
 6 record You produced or will produce that are responsive to the Interrogatory. You shall produce the  
 7 business records as they are kept in the usual course of business or shall organize and label them to  
 8 correspond with the Interrogatory. For all documents produced pursuant to Rule 33(d), identify the name  
 9 of the employee, officer, or agent certifying the documents as business records.

### 10 INTERROGATORIES

#### 11 Interrogatory No. 16:

12 16. Identify your executives, employees, or agents who participated in any market  
 13 monitoring activity, including those in the Competitive Strategies Group, related to CRTs or CRT  
 14 Products. Market monitoring activity includes, but is not limited to, the following: (a) Your  
 15 competitive intelligence activities; (b) Your use of third-party data sources or market share/data  
 16 analyses; (c) Your knowledge, use, or tracking of Your competitors' prices; (d) Your knowledge,  
 17 use, or tracking of Your suppliers' prices; (e) Your knowledge, use, or tracking of Your competitors'  
 18 promotions; (f) Your knowledge, use, or tracking of Your suppliers' promotions; and/or (g) Your or  
 19 any of your executives', employees', or agents' participation in any meetings with Your competitors.

#### 20 Interrogatory No. 17:

21 17. For each person identified in response to Interrogatory No. 16, separately describe the  
 22 nature of his or her knowledge, responsibility, or involvement regarding market monitoring activity.

#### 23 Interrogatory No. 18:

24 18. Identify each person You believe to have knowledge that supports the fraudulent  
 25 concealment allegations in Your Complaint, including at paragraphs 220 through 232.



1 **Interrogatory No. 19:**

2 19. To the extent not already identified in Interrogatories No. 16 through 18, Identify  
3 each person You believe to have knowledge that supports the allegations in Your Complaint.

4 **Interrogatory No. 20:**

5 20. For each person identified in response to Interrogatory No. 19, separately Identify the  
6 nature of his or her knowledge that supports the allegations in your Complaint.

7  
8 Dated: April 4, 2014

WINSTON & STRAWN LLP

9  
10 By: /s/ Eva W. Cole

JEFFREY L. KESSLER (*pro hac vice*)

A. PAUL VICTOR (*pro hac vice*)

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*Matsushita Electric Industrial Co., Ltd.)*

25 By: /s/ Hojoon Hwang

Hojoon Hwang

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*Counsel for Defendant LG Electronics, Inc.*

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1 JEFFREY L. KESSLER (*pro hac vice*)  
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12 *Attorneys for Defendants Panasonic Corporation (f/k/a Matsushita Electric Industrial Co., Ltd.)*

13 Additional Counsel Listed on Signature Page

14  
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**IN THE UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

In re: CATHODE RAY TUBE (CRT)  
ANTITRUST LITIGATION

Case No. Master File No. 3:07-cv-05944-SC

MDL No. 1971

This Document Relates to:

Individual Case No. 3:11-cv-05513-SC

BEST BUY ACTION  
11-cv-05513 SC

**CERTIFICATE OF SERVICE**



**CERTIFICATE OF SERVICE**

I declare that I am employed with the law firm of Winston & Strawn LLP, 200 Park Avenue, New York, New York 10166. I am not a party to the within cause, and I am over the age of eighteen years. I further declare that on April 4, 2014, I served a copy of:

**DEFENDANTS PANASONIC CORPORATION AND LG ELECTRONICS, INC.'S THIRD SET OF INTERROGATORIES TO PLAINTIFFS BEST BUY CO., INC., BEST BUY PURCHASING LLC, BEST BUY ENTERPRISE SERVICES, INC.; BEST BUY STORES, L.P., BESTBUY.COM, LLC, AND MAGNOLIA HI-FI, INC.**

☒ **BY ELECTRONIC MAIL** by sending a true copy thereof to the addressees, as stated below.

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David Martinez  
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Laura E. Nelson  
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SAVERI & SAVERI, INC.

*Interim Lead Counsel for the Indirect Purchaser  
Plaintiffs*

*Interim Lead Counsel for the Direct  
Purchaser Plaintiffs*

Executed on April 4, 2014 at New York, New York. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

/s/

  
Jennifer M. Stewart



## EXHIBIT 17

[Highly Confidential – Filed Under Seal]

## Exhibit 18

Volume 8

Pages 1124 - 1283

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BEFORE THE HONORABLE SUSAN ILLSTON, JUDGE

IN RE: TFT-LCD (FLAT-PANEL) )  
ANTITRUST LITIGATION. ) NO. C 07-MDL-1827 SI

San Francisco, California  
Thursday  
August 1, 2013  
8:37 a.m.

Individual Cases:  
CASE NO. 10-CV-4572  
CASE NO. 12-CV-4114

TRANSCRIPT OF PROCEEDINGS

APPEARANCES:

For Best Buy Plaintiffs:

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BY: ROMAN M. SILBERFELD, ESQ.  
DAVID MARTINEZ, ESQ.  
LAURA E. NELSON, ESQ.  
BERNICE CONN, ESQ.  
MICHAEL A. GEIBELSON, ESQ.

For Defendant HannStar Display Corporation:

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Redwood Shores, California 94065  
BY: ROBERT E. FREITAS, ESQ.  
JASON SHEFFIELD ANGELL, ESQ.  
JESSICA NICOLE LEAL, ESQ.

(Appearances continued, next page)

**APPEARANCES, CONTINUED:**

**For Toshiba Defendants:**

WHITE & CASE LLP  
701 Thirteenth Street, N.W.  
Washington, D.C. 20005  
BY: CHRISTOPHER M. CURRAN, ESQ.  
JOHN H. CHUNG, ESQ.  
J. MARK GIDLEY, ESQ.  
AGATHA KOPROWSKI, ESQ.  
HEATHER BURKE, ESQ.  
MARTIN TOTO, ESQ.

**Also Present:**

Naomi Kusakabe  
Alex Tsai  
Paul Chiu  
Wendy Fritz  
Julius Christensen

**Reported by:** BELLE BALL, CSR #8785, CRR, RDR  
CONNIE KUHL, CSR #13173, RMR, CRR  
Official Reporters, U.S. District Court

## FRITZ - CROSS EXAMINATION / CURRAN

1     **A**     Correct.

2     **Q**     And what type of information does NPD gather there?

3     **A**     Sales information, right.

4     **Q**     Price?

5     **A**     Yes.

6     **Q**     Quantity?

7     **A**     Categories. Uh-huh.

8     **Q**     Does it report on trends and things like that?

9     **A**     They do some trend reporting, yes.

10    **Q**     And then, is Stevenson another company like NPD?

11    **A**     Similar, but it's survey-based.

12    **Q**     Okay. And, is that again a subscription service that

13    Best Buy subscribes to?

14    **A**     We have a partnership with them as well.

15    **Q**     Okay. And then, Ms. Fritz, I think you also referred to

16    having had a field intelligence team. Is that right?

17    **A**     Yes.

18    **Q**     Okay. What was the field intelligence team?

19    **A**     We refer to it as the "competitive intelligence team." As

20    I mentioned, it's been scaled back significantly, just based on

21    cost and that kind of thing.

22            But, the main focus of that, again, was people in the  
23    specific markets understanding what our competition was doing,  
24    and making sure that there was line of sight, one.

25            Two, other promotions that were going and pricing going

## FRITZ - CROSS EXAMINATION / CURRAN

1 back to our price match guarantee, we wanted to make sure we  
2 were competitive. If we weren't competitive, they would be  
3 reporting that back to the buyer team to make sure that there  
4 was awareness of that.

5 Q So this competitive field intelligence team would go out  
6 in the marketplace, including store visits at competitor sites,  
7 and gather up information. Is that right?

8 A Yes.

9 Q And, use other resources available to them to gather up  
10 information?

11 A I can't speak for other resources.

12 Q Okay. And, you said it's been scaled back recently.  
13 When?

14 A I -- I actually don't have a lot of visibility to the  
15 details. I just know recently that group has gotten a lot  
16 smaller. So, probably in the last three or four months.

17 Q Okay. Is Mr. Britton still an employee of Best Buy?

18 A I believe so.

19 Q And he's been the head of competitive intelligence at  
20 Best Buy, right?

21 A He was not the head of it. He was, I think, a manager in  
22 competitive intelligence. But --

23 Q Who was the head, or who is the head of Best Buy's  
24 competitive field intelligence team?

25 A At one time, Mike Ray headed up our competitive

\*\*\*\*\*

## FRITZ - CROSS EXAMINATION / CURRAN

1 **BY MR. CURRAN:**

2 **Q** Well, Ms. Fritz, does it appear to you that these pages at  
3 the back (Indicating) were a -- represent a periodic  
4 distribution of information from Asia?

5 **A** It -- this (Indicating) is a distribution of information  
6 from Asia. Whether it was a periodic update, I cannot say.

7 **Q** Okay. Why was this information being distributed and  
8 disseminated within Best Buy, including at the highest levels?

9 **A** I could not specify why.

10 **Q** Ma'am, wasn't it so Best Buy could compete more  
11 effectively against its competitors?

12 **A** We were always gathering competitive information, so that  
13 we were knowledgeable about what was happening in the  
14 marketplace.

15 **Q** Ms. Fritz, you testified this morning about Black Friday.  
16 And, I think you said it was the most important day in the most  
17 important time of the year in retail. Did I get that right?

18 **A** Yes.

19 **Q** And I think Mr. Silberfeld asked you, and I think you  
20 agreed, that Black Friday was the day that retailers, at least  
21 apocryphally, became profitable during the year, right?

22 **A** I can't remember specifically what he asked me, but what I  
23 was explaining was Black Friday was a key prominent time during  
24 the holiday, and really kind of kicked off the holiday time  
25 frame. And to a large degree, would dictate success and



\*\*\*\*\*

## FRITZ - CROSS EXAMINATION / CURRAN

1 Q Okay. Do you know, did Wal-Mart change their forecast as  
2 to that product?

3 A I don't recall.

4 Q All right. Ms. Fritz, so we have just seen the use of  
5 some competitive intelligence at Best Buy. Right?

6 A Yes.

7 Q So, the effort to gather and assemble competitive  
8 information, including on price and quantity, and the use of  
9 that information within Best Buy, for its own decision-making.  
10 Right?

11 A Can you repeat that?

12 Q Yeah. So, so, through the last three exhibits, we've seen  
13 the gathering of competitive information within Best Buy, the  
14 analysis of it, including competitors' pricing and quantity  
15 information, and the determination by Best Buy as to what its  
16 strategy should be.

17 A Yes. It was common practice for us to gather competitive  
18 information.

19 Q And to use it in your decision-making.

20 A And use it as an input -- one input into our  
21 decision-making.

22 Q Was that activity, in your judgment, consistent with  
23 Best Buy's code of business ethics?

24 A Yes.

25 Q Why?

## EXHIBIT 19

[Highly Confidential – Filed Under Seal]

## EXHIBIT 20

[Highly Confidential – Filed Under Seal]

## EXHIBIT 21

[Highly Confidential – Filed Under Seal]

## EXHIBIT 22

[Highly Confidential – Filed Under Seal]

## EXHIBIT 23

[Highly Confidential – Filed Under Seal]

## EXHIBIT 24

[Highly Confidential – Filed Under Seal]



## EXHIBIT 25

[Highly Confidential – Filed Under Seal]

## EXHIBIT 26

[Highly Confidential – Filed Under Seal]

## EXHIBIT 27

[Highly Confidential – Filed Under Seal]

## EXHIBIT 28

[Highly Confidential – Filed Under Seal]

## Exhibit 29

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
BEFORE THE HONORABLE SUSAN ILLSTON

In Re: TFT-LCD (Flat Panel) )  
Antitrust Litigation. )

) No. M. 07-01827 SI  
San Francisco, California  
Tuesday  
May 22, 2012  
8:42 a.m.

**TRANSCRIPT OF PROCEEDINGS**

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**Julius G. Christensen, Toshiba**

**Phyllis Kim, Korean-language interpreter**

**Jared Taylor, Japanese-language interpreter**

12:04:29

**MR. OWEN:** Objection. May we approach?

12:04:32

**THE COURT:** Yes.

12:09:53

(Whereupon the following discussion was had at side bar)

12:09:53

**MR. OWEN:** We believe that questions regarding pricing violate the Court's Order *in limine* about the pass-through or any kind of downstream sales after the direct purchase by Crago.

12:09:54

12:09:55

12:09:56

12:09:57

**THE COURT:** I'm assuming you're not going to violate the order.

12:09:58

12:09:58

**MR. GIDLEY:** Well, your Honor, we think that the evidence goes to the substantial-affects issue, first.

12:09:59

12:10:00

Second, they spent some time on --

12:10:01

**THE COURT:** But there's an Order, you know. There's an Order.

12:10:02

12:10:02

**MR. GIDLEY:** Yes, your Honor. Pass-through. I'm not asking -- I'm not arguing that ultimate end customers paid more.

12:10:03

12:10:04

12:10:04

Instead, your Honor, the fact that he's made purchases of these monitors, and his customers, in turn, are price sensitive, means that he would be a price-sensitive purchaser. And I think I'm allowed to establish that, your Honor.

12:10:05

12:10:06

12:10:08

12:10:09

12:10:09

**THE COURT:** So what were you planning to ask him?

12:10:10

12:10:11

**MR. GIDLEY:** I'm going to ask him about his practices in the industry, as a purchaser; and why he would want to seek,



12:10:12 as a purchaser, low prices; and the steps he takes to do that.

12:10:14 Now, his testimony on Direct was that he's a CEO, and  
12:10:16 not a salesman, as if he's disconnected from sales.

12:10:17 In point of fact, when steep discount is offered to a  
12:10:18 customer, the salesman has to come to the CEO as a loner.

12:10:20 That's all I want at this point in the exam.

12:10:21 **MR. CURRAN:** If I could add, I believe your Honor's  
12:10:22 rulings on motions *in limine* left the door open on substantial  
12:10:23 fact FTAIA-type issues.

12:10:24 **MR. SIMON:** Well --

12:10:24 **THE COURT:** I'm still not clear. You're asking him:  
12:10:25 Does he care about the prices that he has to pay?

12:10:27 **MR. GIDLEY:** Right. And why does he care? He cares  
12:10:27 because his customers, in turn, were price sensitive, because  
12:10:28 they can always run off to Sam's or Dell or another competitor.

12:10:30 So, having opened the door, talking about what's  
12:10:31 going on in Kansas City, I think we want to talk about what's  
12:10:32 the industry custom in Kansas City of a purchaser of class  
12:10:34 panels.

12:10:34 **MR. OWEN:** There was no opening of the door about the  
12:10:35 downstream prices. That is what is prohibited. And the minute  
12:10:36 he's talking -- he begins to talk about what price you resold  
12:10:38 these goods at, he's into the prohibited area.

12:10:39 **THE COURT:** Well, if you want to ask him if he cares  
12:10:40 what price he has to pay, that's fair game.

12:10:41 And if you're asking him, "Was it a competitive  
12:10:42 market such that, if people didn't buy from him, there were  
12:10:44 other places they could buy from," I think that's fair game,  
12:10:45 too.

12:10:45 The concern, though, is any emphasis on -- on the  
12:10:47 pass-through. That's what I'm worried about.

12:10:48 **MR. GIDLEY:** I'll try to be extremely careful. We'll  
12:10:49 take it one question --

12:10:50 **THE COURT:** The fact that the markets are competitive  
12:10:50 in terms of that he would like to get as cheap a purchase price  
12:10:52 for himself that he can, and that his customers also want to  
12:10:53 pay as little as they can get by with -- that's fine.

12:10:55 **MR. SIMON:** We've got to be very careful, though.  
12:10:55 There's really no undoing it if we pass through the  
12:10:57 pass-through line. So, you know, we'll rely on the good faith  
12:10:58 of counsel not to tread there, but it's -- once the information  
12:10:59 is out that he's reseller, and passed anything through, then  
12:11:00 we're -- you can't unring that bell, really.

12:11:02 **THE COURT:** Mr. Simon, every human in this courtroom  
12:11:02 knows about that, so don't give me bells unrigging; but I'm  
12:11:04 assuming counsel's going to follow the orders of the Court, and  
12:11:05 that, because of the way the law is situated, is just  
12:11:06 completely off limits, but --

12:11:07 **MR. GIDLEY:** And, your Honor, there may be one other  
12:11:08 gray area, so when I get to that in the exam, I'd like to come

12:11:10 back to a quick --

12:11:10 **THE COURT:** How about doing it now?

12:11:11 **MR. GIDLEY:** Okay. The second issue is what he does,  
12:11:12 as a purchaser, to find out if he's getting good prices.

12:11:13 And he calls competitors in the Kansas City area and  
12:11:15 in Wichita to get price information, either directly from the  
12:11:16 competitor, or by means of customers getting a price list; very  
12:11:18 parallel to what's been alleged against Toshiba.

12:11:19 And we think that's really effective, for two  
12:11:19 reasons.

12:11:20 First, whatever the plaintiff does is relevant for  
12:11:20 the jury to weigh what the defendant does. And there are cases  
12:11:22 I can hand up to your Honor: *McDonnell Douglas* case and the  
12:11:23 *Motorola* case.

12:11:23 **THE COURT:** Has he already testified that he calls  
12:11:24 around?

12:11:25 **MR. SIMON:** (Shakes head from side to side)

12:11:25 **MR. CURRAN:** In his deposition.

12:11:25 **MR. GIDLEY:** Yes, yes. Two passages.

12:11:26 **MR. OWEN:** No objection. No objection.

12:11:27 **THE COURT:** Okay. Thank you.

12:11:27 **MR. GIDLEY:** Thank you, your Honor.

12:11:28 (End of side bar)

12:11:28 **BY MR. GIDLEY**

12:11:29 **Q.** Mr. Allen, sir, do you care about the purchase price of